**Section 1764.13 Petitions**

a) Right to petition. Any person having an interest which is or may be adversely affected has the right to petition the Illinois Department of Natural Resources (Department) to have an area designated as unsuitable for surface coal mining operations, or to have an existing designation terminated. For the purpose of this action, a person having an interest which is or may be adversely affected must demonstrate how he or she meets an "injury in fact" test by describing the injury to his or her specific affected interests and demonstrate how he or she is among the injured.

b) Designation. The Department shall determine what information must be provided by the petitioner to have an area designated as unsuitable for surface coal mining operations.

1) At a minimum, a complete petition for designation shall include:

A) The petitioner's name, address, telephone number, and notarized signature;

B) Identification of the petitioned area, including its location and size, and a U.S. Geological Survey topographic map outlining the perimeter of the petitioned area;

C) An identification of the petitioner's interest which is or may be adversely affected by surface coal mining operations, including a statement demonstrating how the petitioner satisfies the requirements of subsection (a);

D) A description of how mining of the area has affected or may adversely affect people, land, air, water or other resources, including the petitioner's interests; and

E) Allegations of fact and supporting evidence, covering all lands in the petition area, which tend to establish that the area is unsuitable for all or certain types of surface coal mining operations, pursuant to specific criteria of Sections 7.02(a) and (b) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/7.02(a) and (b)] (State Act), assuming that contemporary mining practices required under applicable regulatory programs would be followed if the area were to be mined. Each of the allegations of fact should be specific as to the mining operation, if known, and the portion(s) of the petitioned area and petitioner's interests to which the allegation applies and be supported by evidence that tends to establish the validity of the allegations for the mining operation or portion of the petitioned areas.

2) The Department may request that the petitioner provide other supplementary information which is readily available.

c) Termination. The Department shall determine what information must be provided by the petitioner to terminate designations of lands as unsuitable for surface coal mining operations.

1) At a minimum, a complete petition for termination shall include:

A) The petitioner's name, address, telephone number, and notarized signature;

B) Identification of the petitioned area, including its location and size and a U.S. Geological Survey topographic map outlining the perimeter of the petitioned area to which the termination petition applies;

C) An identification of the petitioner's interest which is or may be adversely affected by the designation that the area is unsuitable for surface coal mining operations including a statement demonstrating how the petitioner satisfied the requirements of subsection (a);

D) Allegations of facts covering all lands for which the termination is proposed. Each of the allegations of fact shall be specific as to the mining operation, if any, and to portions of the petitioned area and petitioner's interests to which the allegation applies. The allegations shall be supported by evidence, not contained in the record of the designation proceeding, that tends to establish the validity of the allegations for the mining operation or portion of the petitioned area, assuming that contemporary mining practices required under applicable regulatory programs would be followed were the area to be mined. For areas previously and unsuccessfully proposed for termination, significant new allegations of facts and supporting evidence must be presented in the petition. Allegations and supporting evidence should also be specific to the basis for which the designation was made and tend to establish that the designation should be terminated on the following bases:

i) Nature or abundance of the protected resource or condition or other basis of the designation if the designation was based on criteria found in 62 Ill. Adm. Code 1762.11(b);

ii) Reclamation now being technologically and economically feasible if the designation was based on the criteria found in 62 Ill. Adm. Code 1762.11(a); or

iii) Resources or conditions not being affected by surface coal mining operations, or in the case of land use plans, not being incompatible with surface coal mining operations during and after mining, if the designation was based on the criteria found in 62 Ill. Adm. Code 1762.11(b).

2) The Department may request that the petitioner provide other supplementary information which is readily available.

(Source: Amended at 22 Ill. Reg. 20137, effective November 5, 1998)